

# UNITED STATES BANKRUPTCY APPELLATE PANEL *for the Eighth Circuit*

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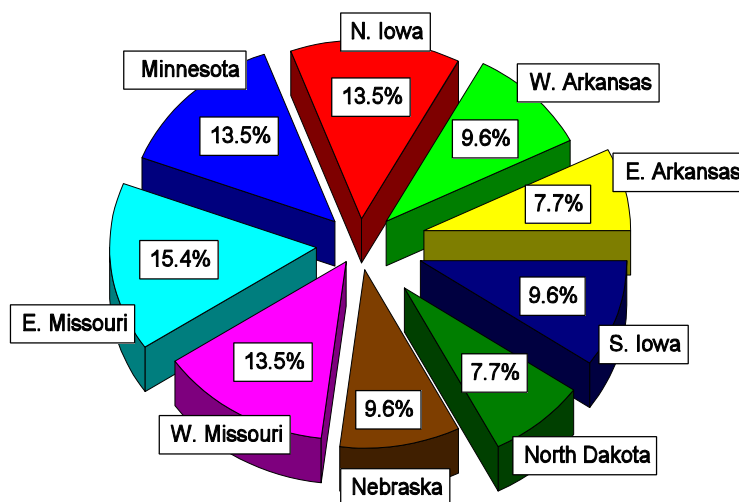
## STATISTICAL REPORT -- THIRD QUARTER 2004

### New Case Filings

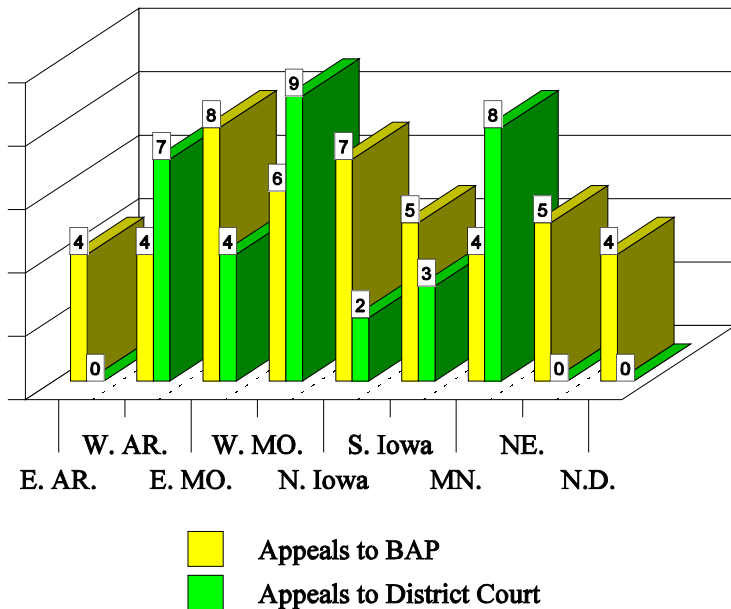
Fifty-two cases were docketed in the first nine months of 2004. Sixteen of these cases (33%) were filed by pro se litigants. Of the cases filed, thirty-three were appeals from contested matters and nineteen were appeals from adversary proceedings. The graphics below illustrate the breakdown of case origin by district.

**New Cases**

Eastern Arkansas	4
Western Arkansas	5
Northern Iowa	7
Southern Iowa	5
Minnesota	7
Eastern Missouri	8
Western Missouri	7
Nebraska	5
North Dakota	4
<b>TOTAL</b>	<b>52</b>



## District Court Elections



The chart to the left compares the number of appeals taken to the Bankruptcy Appellate Panel with those taken to the District Courts. In the first three quarters of 2004, eighty appeals were taken from the Bankruptcy Courts. Forty-seven of those cases (59%) were appealed to and remained with the Bankruptcy Appellate Panel; thirty-three of the cases (41%) were appealed directly to or were transferred to the District Courts.

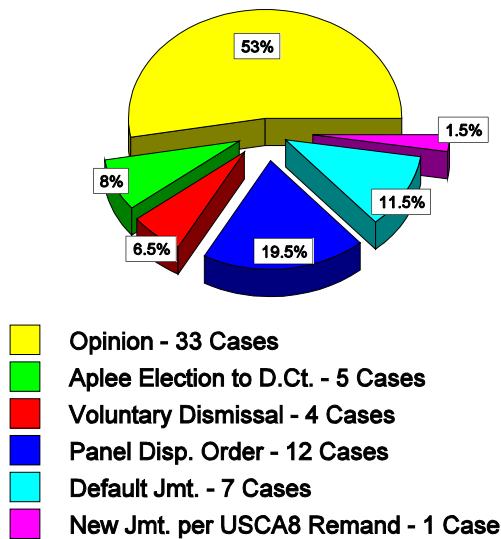
## Case Processing Time

Listed in the table below are average processing times calculated for cases submitted on the merits which were subsequently closed between January 1, 2004 and September 30, 2004.

Interval:	1	2	3	Total Processing Time
From:	Docketing	Aplee's Brief	Submission	
To:	Aplee's Brief	Submission	Disposition	
Cases Submitted w/Arg.	65 days 2.2 months	79 days 2.6 months	28 days .9 months	172 days 5.7 months
Cases Submitted w/o Arg.	95 days 3.1 months	22 days .7 months	20 days .7 months	137 days 4.5 months
All Cases	74 days 2.4 months	61 days 2 months	25 days .8 months	160 days 5.2 months

## Panel Referrals

In the first three quarters of 2004, fifteen referrals were made to Administrative Panels; four of those cases was subsequently referred back to the panels, resulting in a total of nineteen Administrative Panel referrals. Nine cases were submitted on the merits without oral argument and twenty-five cases were submitted on the merits after oral argument. Hearings were held in Omaha, St. Louis, Little Rock, Kansas City, St. Paul, Des Moines and Fargo. In addition, a hearing was held by video-conference between Minneapolis and Little Rock.

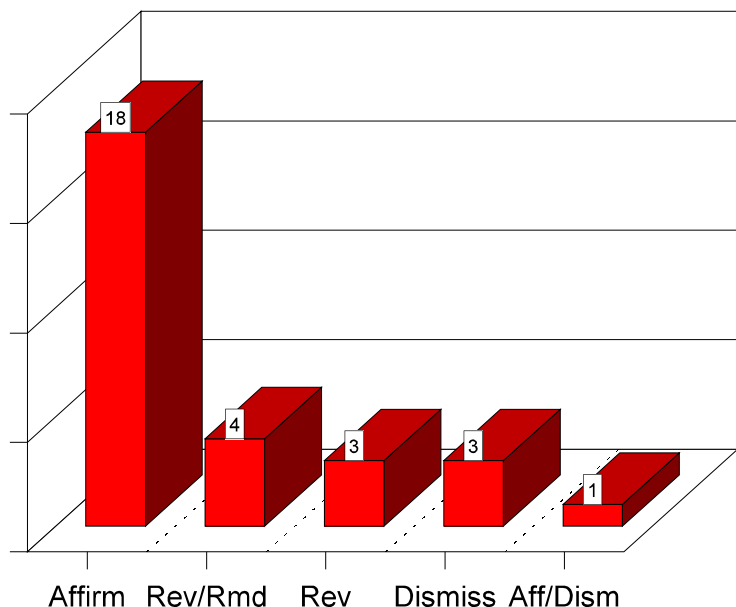


## Case Dispositions

Sixty-one cases were closed in the first nine months of 2004. In addition, one previously-closed case was re-opened and an opinion was entered pursuant to a remand order from the 8<sup>th</sup> Circuit Court. The Court wrote a total of twenty-nine opinions which disposed of thirty-three cases. To the left is a breakdown of the method by which each case was closed.

## Opinion Breakdown

The chart to the right breaks down each dispositive opinion by its outcome. As shown in the chart, 76% of the opinions either affirmed the bankruptcy court or dismissed the appeal.



## Judge Statistics

As reported earlier, the Court issued a total of twenty-nine dispositive opinions and twelve dispositive orders. In addition, twenty-one non-dispositive opinions and orders were entered at the direction of the Court. A breakdown by judge of all opinions and orders issued by the Court is shown in the following table.

Judge	Dispositive Opinions				Dispositive Orders	Non-Dispositive Opinions & Orders
	Signed	Per Curiam	Dissent	Concurs.		
<b>Kressel</b>	7				3	5
<b>Schermer</b>	6				3	
<b>Dreher</b>	3				1	3
<b>Federman</b>	5					4
<b>Mahoney</b>	3				4	6
<b>Venters</b>	4				2	3
<b>McDonald</b>	1					
<b>Total</b>	<b>29</b>				<b>13</b>	<b>21</b>

## Appeals to the U.S. Court of Appeals

Eight notices of appeal were taken to the Court of Appeals from the Bankruptcy Appellate Panel in the first three quarters of 2004. In addition, nine cases were pending before the Court of Appeals at the beginning of the year. Nine cases were closed by the Court of Appeals during the last nine months, leaving a total of eight pending cases. Following is a breakdown of the method by which BAP cases appealed to the Court of Appeals were closed:

Affirmed .....	4
Dismissed .....	3
Voluntarily Dismissed .....	1
Reversed .....	1